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REMARKS

Claims 2-4, and 9-11 stand rejected as being obvious under 35 U.S.C. 103 under applicants' admitted prior art in view of Ishido. Applicant respectfully traverses the rejection.

Ishido determines the presence/absence of the original by a sensor in a sub-scanning direction and reads the original surface information in the main scanning direction; both while the lamp is turned off. As best that can be determined by applicant, the examiner appears to be interpreting the completely closed state of the presser plate and the opened state of the presser plate as the first original size-determining process and the second original size-determining process, namely, applicant believes it is the examiner's position that the at least two open states include a closed state and an open state.

Applicant has amended the claims to state that the first open state corresponds to a first angle, the second open state corresponds to a second angle, and the first and second angles are greater than 0° but less than 90°. Neither the admitted prior art nor Ishido discloses or suggests this feature of the claimed invention. Accordingly, the references taken singly or in combination cannot form the basis for finding the claims prima facie obvious under 35 U.S.C. 103. The rejection is therefore improper and should be withdrawn.

Applicant has also added new claims 18-22 to further claim the features of the disclosed invention. As set forth in claims, a light source is turned on in dependence on an open state-detecting device detecting that an original pressing member is closed down to a second open state from a first open state, causing a reading device to read the reflected light in dependence on the open state-detecting device detecting that the original pressing member is closed down to a third open state from a second open state, and determining a size of the original based on an output from the reading device. According to an original size detecting apparatus in the present invention, an angle of the original pressing member for the original platen to turn on the light source is not equal to an angle of the original pressing member to cause the reading device to read the reflected light.

In contrast, according to the description of the Prior Art of the present application, the original size-detecting device, in dependence on an open state-detecting device detecting that the original presser plate is closed to below a predetermined angle, turns on the light source, and simultaneously causes a CCD to read the reflected light from the original, and then determines the size of the original based on the result of the reading by the CCD. However, according to the device of the Prior Art, an angle of the original presser plate at which the light

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source is turned on and an angle of the original presser plate at which the reading device reads the reflected light from the original are identical with each other, that is, not different from each other.

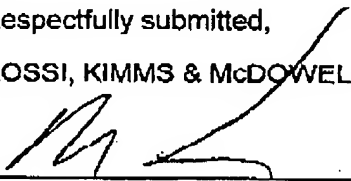
Ishido describes that, when output values from the CCD with said light source turned off are smaller than a predetermined output value at a plurality of points, the original size-determining device determines the size of the original based on the output values from the reading device with the light source turned off which are smaller than the predetermined output value. However, Ishido neither discloses nor suggests the open state-detecting device and the original size-determining device as recited in the claims at issue.

In addition, the description of the Prior Art of the present application and Ishido do not disclose and suggest that an angle of the original pressing member for the original platen to turn on the light source is not equal to an angle of the original pressing member to cause the reading device to read the reflected light. Therefore, the original size detecting apparatus as claimed in the claims would not have been suggested based on the description of the Prior Art and Ishido.

In view of the above, all of the claims in this case are believed to be in condition for allowance, notice of which is respectfully urged.

Respectfully submitted,

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